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AUG 20 2004

**TO: Yaritza Guadalupe-McCall**

**FROM: Israel Zeitz**

**RE: 10/810/863 – Amended**

**Mrs. Guadalupe-McCall...**

**Herewith is the amended claims information for the above regarded application.**

**Claims one through four, inclusive, have been rewritten to meet the standards set forth in the United States Patent and Trademark office requirements.**

**It is with great anticipation that this information is in the correct form and language.**

**If per chance additions or other changes are necessary, kindly inform me so I may attend to them in a timely matter.**

**Sincerely,**

**Israel Zeitz  
772-878-4344  
chickezee@bellsouth.net**

**SHEET 1 OF 4 to Fax Number 703-872-9306**

**Office Action Summary**

Application No.

10/810,863

Applicant(s)

ZEITZ, ISRAEL

Examiner

Yaritza Guadalupe McCall

Art Unit

2859

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
 Period for Reply

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.135(e). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_

**CLAIMS OF THE INVENTION**

**I claim:**

**1. (amended) A football measuring device, comprising**

**a handle having a base and a leg upstanding from the base a distance of approximately 4 inches, which corresponds to the distance from the ground to approximately the center of the nose of the football, said handle having a major axis along the base perpendicular to the yard lines and not parallel as some other devices are; a chain segment having an end secured to the base of the handle through an aperture in a lower section of the leg adjacent the base;**

**an extending bar releasably secured to an upper section of the leg away from the base, said bar extending parallel to the ground; and wherein said handle, said upright leg, said extending bar or any other part of the device does not have any dials, numbers or any sort of markings to designate where the device is at on the field.**

**2. (amended) A football measuring device according to claim 1 further comprising**

**a removable alligator type clip placed on the chain segment to indicate the distance along the chain length the extending bar is from the closest yard line.**

**3. (amended) A method for determining the position of a football on a football playing field having a pair of sidelines connected by a series of five-yard lines and employing a conventional measuring device consisting of a first and second marker connected by a ten-yard long chain, the method comprising**

**positioning a first marker of the conventional measuring device at a position on a sideline corresponding to the position of the football on the field;**

**positioning a football measuring device adjacent the first marker, the football measuring device comprising**

**a handle having a base and a leg upstanding from the base, the**

**handle having a major axis;**

**a chain segment having an end secured to the handle; and an**

**extending bar releasably secured to the leg perpendicular to the major axis of the handle;**

**the extending bar being positioned against the first marker;**

**stretching the chain segment taut in the direction of the five-yard line nearest to the position of the football, and**

**placing an alligator type clip on the chain segment at a position corresponding to the nearest five-yard line.**

**4. (amended) The method of claim 3, further comprising**

**moving the ball measuring device proximate the football,**

**aligning the alligator type clip with a second five-yard line**

**corresponding to and ten yards distant from the first yard line;**

**stretching the chain segment taut parallel to the sideline; and**

**inspecting the position of the football with respect to the extending bar.**